

RE: Spencer v. McSparren, et al.

Timothy McNair <tmcnair@mcnairlaw.com>

Tue 8/6/2024 11:39 AM

To:Justin A. Zimmerman <JZimmerman@laverylaw.com>

Cc:Ashley Rutter <ashley@mcnairlaw.com>;Ashley Rutter <ashley@mcnairlaw.com>

Mr. Zimmerman:

I take it that you are simply rebuffing my request to withdraw objections and provide a privilege log.

Thank you for your attempt to resolve this discovery dispute.

Tim McNair

Timothy D. McNair, Esquire



821 STATE STREET
ERIE, PENNSYLVANIA 16501-1316

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“The service you do for others is the rent you pay for your room here on earth.”

Muhammad Ali

From: Justin A. Zimmerman <JZimmerman@laverylaw.com>

Sent: Tuesday, August 6, 2024 11:28 AM

To: Timothy McNair <tmcnair@mcnairlaw.com>

Cc: Ashley Rutter <ashley@mcnairlaw.com>

Subject: RE: Spencer v. McSparren, et al.

Good morning Attorney McNair,

Thank you for your response; it has been difficult to get one. As we discussed yesterday, this was the first time you indicated you had any issues with the discovery responses provided on April 29, 2024. Those responses were referenced in subsequent communications regarding Plaintiff's discovery responses. We are willing to be reasonable and discuss specific issues with Defendants' responses, but we are also looking for a definite timeframe for Plaintiff to respond. Therefore, we propose that the discovery deadline be extended to October 9, 2024, with Plaintiff's responses due by September 9, 2024, and Plaintiff to appear for deposition by September 23, 2024. If during that time period you still feel it is necessary to file a discovery motion, then so be it.

Additionally, please let us know if you have any trouble accessing the documents.

Regards,

Justin A. Zimmerman, Esquire
Lavery Law

225 Market Street, Suite 304
Harrisburg, PA 17101-2126
Phone: 717.233.6633
Fax: 717.233.7003
Email: jzimmerman@laverylaw.com
Web: www.laverylaw.com

From: Timothy McNair <tmcnair@mcnairlaw.com>
Sent: Monday, August 5, 2024 4:57 PM
To: Justin A. Zimmerman <JZimmerman@laverylaw.com>
Cc: Ashley Rutter <ashley@mcnairlaw.com>
Subject: RE: Spencer v. McSparren, et al.

In looking at Dori's email, I see there is a link to documents in Sharefile. I tried to access it and the link is expired or otherwise invalid. I have not seen any of the documents, nor do I have the downloaded.

I note that Dori's email arrived the day I returned from an extended vacation and on a day in which I was in the hospital. I must have opened the email but did not act on it due to the distractions of a large volume of email and the stress of the medical situation.

I remain concerned about your objections. First of all, please explain for each instance of a response that the request is "is vague, ambiguous, overbroad, unduly burdensome, seeks information that is not relevant to any claim or defense, and seeks information that is not proportional to the needs of the case." exactly what in the request is

is vague, ambiguous, overbroad, unduly burdensome, seeks information that is not relevant to any claim or defense, and seeks information that is not proportional to the needs of the case. This repetitions objection may be used to avoid production of materials that may impact the merits of the claims. Such an objection should be used sparingly and on a request-by-request basis. I will be happy to discuss this with the Judge if you like. Please withdraw that objection.

With regards to Request No. 1, the objection that the case does not involve the enforcement of the zoning ordinance is absurd. Take a look at your initial disclosure. No documents should be withheld on that basis. If any are, provide a privilege log.

Regarding Request No. 2, 3, 4, 5, 6, 7, 8, 9, and 10, to the extent that responsive documents are being withheld on the basis of attorney-client privilege or work product privilege, provide a privilege log.

Regarding the Response to Request No.5, the interrogatories were served with extensive definitions and instruction. Please refer to them for the definition of "documents." A request for all documents requests all responsive documents, and we are entitled to the production of those barring some legitimate, clearly stated objection.

Regarding the response to Request no. 8 and 9, the Township has a statutory definition of "junkyard." That word also has a clear common usage meaning. This objection is without merit and is in questionable good faith. Withdraw this objection.

Regarding your response to Request No. 10, that documents may be in Plaintiff's possession is not a legitimate reason to withhold documents unless you can state the identity of the documents and how you know they are in Plaintiff's possession. This is one of the most ridiculous objections in the response.

I hope we can resolve this quickly, and that you will withdraw your objections. Otherwise, we will have to file a motion and take it to the Judge. Let this serve as the required conferral.

Thank you.

Tim McNair

Timothy D. McNair, Esquire



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From: Justin A. Zimmerman <JZimmerman@laverylaw.com>

Sent: Monday, August 5, 2024 1:16 PM

To: Timothy McNair <tmcnair@mcnairlaw.com>

Cc: Frank J. Lavery Jr. <flavery@laverylaw.com>; Dori L. Docherty <DDocherty@laverylaw.com>; Cathleen A. Sheaffer <CSheaffer@laverylaw.com>; Ashley Rutter <ashley@mcnairlaw.com>; Ashley Rutter <ashley@mcnairlaw.com>; Aimee Paukovits <apaukovits@laverylaw.com>

Subject: RE: Spencer v. McSparren, et al.

Thank you Attorney McNair. I will call your office at 814-452-0700 at 4:00pm.

Regards,

Justin A. Zimmerman, Esquire

Lavery Law

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Fax: 717.233.7003

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Web: www.laverylaw.com

From: Timothy McNair <tmcnair@mcnairlaw.com>

Sent: Monday, August 5, 2024 12:50 PM

To: Justin A. Zimmerman <JZimmerman@laverylaw.com>; Aimee Paukovits <apaukovits@laverylaw.com>

Cc: Frank J. Lavery Jr. <flavery@laverylaw.com>; Dori L. Docherty <DDocherty@laverylaw.com>; Cathleen A. Sheaffer <CSheaffer@laverylaw.com>; Ashley Rutter <ashley@mcnairlaw.com>; Ashley Rutter <ashley@mcnairlaw.com>

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I will be available between 3:00PM and 5:00PM today.

Tim McNair

Timothy D. McNair, Esquire



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From: Justin A. Zimmerman <JZimmerman@laverylaw.com>
Sent: Thursday, August 1, 2024 4:54 PM
To: Timothy McNair <tmcnair@mcnairlaw.com>; Aimee Paukovits <apaukovits@laverylaw.com>
Cc: Frank J. Lavery Jr. <flavery@laverylaw.com>; Dori L. Docherty <DDocherty@laverylaw.com>; Cathleen A. Sheaffer <CSheaffer@laverylaw.com>; Ashley Rutter <ashley@mcnairlaw.com>
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Attorney McNair,

Pursuant to Judge Baxter’s Chamber Procedures, I write to schedule a meeting to discuss the issues with discovery in this matter. Please provide your availability for Monday, August 5, 2024.

Regards,

Justin A. Zimmerman, Esquire

Lavery Law

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Web: www.laverylaw.com

From: Justin A. Zimmerman
Sent: Monday, July 22, 2024 4:16 PM
To: Timothy McNair <tmcnair@mcnairlaw.com>; Aimee Paukovits <apaukovits@laverylaw.com>
Cc: Frank J. Lavery Jr. <flavery@laverylaw.com>; Dori L. Docherty <DDocherty@laverylaw.com>; Cathleen A. Sheaffer <CSheaffer@laverylaw.com>; Ashley Rutter <ashley@mcnairlaw.com>
Subject: RE: Spencer v. McSparren, et al.

Good afternoon Attorney McNair,

Yes, we are aware. However, Plaintiff brought this suit, and his attorney fees are his concern. His bankruptcy does not affect the litigation schedule of this suit and we must proceed to meet that litigation schedule.

Regards,

Justin A. Zimmerman, Esquire

Lavery Law

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From: Timothy McNair <tmcnair@mcnairlaw.com>

Sent: Thursday, July 18, 2024 4:53 PM

To: Aimee Paukovits <apaukovits@laverylaw.com>

Cc: Frank J. Lavery Jr. <flavery@laverylaw.com>; Justin A. Zimmerman <JZimmerman@laverylaw.com>; Dori L. Docherty

<DDocherty@laverylaw.com>; Cathleen A. Sheaffer <CSheaffer@laverylaw.com>; Ashley Rutter <ashley@mcnairlaw.com>

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As you are aware, Mr. Spencer has filed a voluntary Chapter 13 petition. I have not yet been authorized to represent him and am awaiting a court order authorizing me and approving the fee arrangement.

Tim McNair

Timothy D. McNair, Esquire



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From: Aimee Paukovits <apaukovits@laverylaw.com>

Sent: Thursday, July 18, 2024 3:52 PM

To: Timothy McNair <tmcnair@mcnairlaw.com>

Cc: Frank J. Lavery Jr. <flavery@laverylaw.com>; Justin A. Zimmerman <JZimmerman@laverylaw.com>; Dori L. Docherty

<DDocherty@laverylaw.com>; Cathleen A. Sheaffer <CSheaffer@laverylaw.com>

Subject: Spencer v. McSparren, et al.

Attached please find correspondence relative to the above-referenced matter.

Thank you.

Aimee

Aimee L. Paukovits,
Senior Legal Administrative Assistant to
Frank J. Lavery, Jr., Esquire
Matthew O. Sanyour, Esquire
Rebecca A. McCullough, Esquire

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